

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

AMERICAN CIVIL LIBERTIES  
UNION, AMERICAN CIVIL  
LIBERTIES UNION FOUNDATION,  
and AMERICAN CIVIL LIBERTIES  
UNION OF MONTANA  
FOUNDATION, INC.

Plaintiffs,

vs.

DEPARTMENT OF DEFENSE,  
DEPARTMENT OF HOMELAND  
SECURITY, DEPARTMENT OF  
THE INTERIOR, and DEPARTMENT  
OF JUSTICE,

Defendants.

CV 18-154-M-DWM

JUDGMENT

This action came before the Court for bench trial, hearing, or determination on the record. A decision has been rendered.

IT IS ORDERED AND ADJUDGED, pursuant to the Court's Opinion and Order (Doc. 57), that summary judgment is granted in part in favor of the agencies as follows:

1. BLM's redaction of the email labeled USA BLM 00017-2 under Exemption 5's attorney client privilege was proper.

2. The FBI's *Glomar* response was proper under Exemption 7(A).

Summary judgment is granted in part in favor of the ACLU as follows:

1. The Army Corps' search was inadequate.
2. BLM improperly redacted its communication plan labeled USA\_BLM\_00043 under Exemption S's deliberative process privilege.
3. The Army Corps improperly withheld the email labeled USA\_ACE\_000008- 12 under Exemptions 5 and 7(A) and improperly redacted the email labeled USA\_ ACE\_ 00065 under Exemption 5.

The above entitled case is closed with the filing of this Judgment.

Dated this 21<sup>st</sup> day of August, 2019.

TYLER P. GILMAN, CLERK

By: /s/ N. Stephens  
N. Stephens, Deputy Clerk